EXHIBIT 2

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

5   CISCO SYSTEMS, INC.,   )

6   Plaintiff,   )

7   vs.   ) Case No.

8   ARISTA NETWORKS, INC.,   ) 5:14-cv-05344-BLF (PSG)

9   Defendant.   )

10   _____)

11

12   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13

14   VIDEOTAPED DEPOSITION OF KEVIN C. ALMEROTH

15   San Francisco, California

16   Monday, November 23, 2015

17   Volume I

18

19

20   Reported by:

21   CARLA SOARES

22   CSR No. 5908

23   Job No. 2189099

24

25   Pages 1 - 145

                                        Page 1

1   UNITED STATES DISTRICT COURT

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9   Defendant.   )

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11

12

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14   VIDEOTAPED DEPOSITION OF KEVIN

15   C. ALMEROTH, Volume I, taken on behalf of Defendant,

16   at 633 Battery Street, San Francisco, California,

17   beginning at 9:23 a.m., and ending at 1:41 p.m., on

18   Monday, November 23, 2015, before CARLA SOARES,

19   Certified Shorthand Reporter No. 5908.

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 1   APPEARANCES:

 2

 3   For the Plaintiff and the Witness:

 4        QUINN EMANUEL URQUHART & SULLIVAN, LLP

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22   ALSO PRESENT:

23        Sean Grant, Video Operator

24

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 1                            INDEX

 2     WITNESS

 3     KEVIN C. ALMEROTH                      EXAMINATION

 4     Volume I

 5          BY MR. SILBERT                              7

 6

 7                          EXHIBITS

 8     NUMBER               DESCRIPTION              PAGE

 9     Exhibit 44   Plaintiff Cisco Systems, Inc.'s    13

10                  Preliminary Claim Constructions

11                  And Extrinsic Evidence

12

13     Exhibit 45   Document labeled "Exhibit A"       17

14

15     Exhibit 46   Declaration of Kevin C. Almeroth   21

16                  Submitted in Support of Plaintiff

17                  Cisco Systems, Inc's Opening Claim

18                  Construction Brief

19

20     Exhibit 47   Document entitled "Microsoft       38

21                  Computer Dictionary, Fifth Edition"

22

23     Exhibit 48   Plaintiff Cisco Systems, Inc.'s    90

24                  Opening Claim Construction Brief

25
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1   EXHIBITS

2   NUMBER   DESCRIPTION   PAGE

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4   Exhibit 49   Document labeled "Exhibit 7"   91

5

6   Exhibit 50   Document entitled "Microsoft   142

7   Computer Dictionary, Fifth Edition"

8

9

10

11   REFERENCED EXHIBITS

12   (Not attached)

13   Exhibit   Page

14   1   40

15   26   107

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 1              San Francisco, California

 2              Monday, November 23, 2015

 3                   9:23 a.m.

 4

 5         P R O C E E D I N G S                    08:28:35

 6         THE VIDEO OPERATOR:  Good morning.  We're

 7   on the record.  The time is 9:23 a.m., and the date

 8   is November 23rd, 2015.  This begins the videotaped

 9   deposition of Kevin C. Almeroth.

10         My name is Sean Grant, here with our court    09:23:36

11   reporter, Carla Soares.  We're here from Veritext

12   Legal Solutions at the request of counsel for

13   defendant.

14         This deposition is being held at Keker

15   & Van Nest LLP in San Francisco, California.  The    09:23:46

16   caption of this case is Cisco Systems, Inc., versus

17   Arista Networks, Inc., Case No. 5:14-cv-05344-BLF.

18         Please note that audio- and

19   video-recording will take place unless all parties

20   have agreed to go off the record.  Microphones are    09:24:06

21   sensitive and may pick up whispers, private

22   conversations, or cellular interference.

23         At this time, will counsel please identify

24   themselves and state whom they represent.

25         MR. SILBERT:  David Silbert from Keker    09:24:17
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 1    input and output of the black box," correct?          13:07:54

 2         A    Yes.

 3         Q    So for a command to be an abstraction of a

 4    tool's specific command, does it need to suppress

 5    specific details about how the tool's specific         13:08:05

 6    command is implemented?

 7         A    That would be one example of how you can

 8    provide an abstraction.

 9         Q    What are other ways that you could provide

10    an abstraction?                                        13:08:14

11         A    You can provide an abstraction that makes

12    a command more understandable and is more

13    understandable as compared to the commands that are

14    used with a specific management program.

15              So part of the motivation that's described   13:08:36

16    in the background of the '526 is the idea that in

17    some instances, the user interface is terse or not

18    particularly user friendly, and so you can provide

19    an abstraction over those commands by providing

20    commands that are more consistent or user friendly,    13:08:53

21    especially if they are something that can be used

22    across one or more management programs.

23         Q    Do you have the '526 patent in front of

24    you, Exhibit 26?

25         A    Yes.                                          13:09:14
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1   Q   Would you look, please, at columns 5 and   13:09:21

2   6? This is appendix part A of the patent.

3   A   Yes.

4   Q   Do you see this table that has the column

5   "Functional Item" on the left, and then "New Syntax"   13:09:31

6   in the middle, and "Old Command Line/Syntax" on the

7   right?

8   A   Yes.

9   Q   Do you understand that the "New Syntax"

10   column in this table is supposed to represent   13:09:42

11   generic commands?

12   A   I'm trying to see where it talks about

13   Appendix A.

14   The short answer is I don't recall

15   specifically what it says about the appendix so I   13:10:25

16   need to double-check. If there's some place you

17   want to point me to, I can look at that.

18   Q   Okay. Well, that's okay. If you can look

19   at the appendix, take -- for example, about a

20   quarter of the way down in the middle column under   13:10:51

21   "New Syntax," it says, "Watch H323 entries."

22   Do you see that?

23   A   Yes.

24   Q   And then to the right of that under the

25   "Old Command Line/Syntax," it says, "H323 view."   13:11:04

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1	Do you see that?	13:11:12
2	A I do.	
3	Q Which one of those in your mind is a	
4	generic command?	
5	A I have to see what the specification is	13:11:19
6	describing as to what the table is.	
7	Q Can you tell the answer without reading	
8	the specification?	
9	I mean, if you just look at those two	
10	commands, are you able to tell which one is a	13:11:32
11	generic command?	
12	A Without context, just looking at the	
13	commands by themselves doesn't necessarily tell you	
14	what's generic versus not.	
15	The idea that you have new syntax versus	13:11:52
16	old command line/syntax would suggest that the new	
17	syntax is potentially more of a generic command.	
18	But again, in some instances, it's helpful	
19	to look at the basis for where the new syntax came	
20	from. Maybe, maybe not. But that's --	13:12:13
21	understanding the context is potentially	
22	informative, which is why I was looking for that in	
23	the specification.	
24	Q Okay. But is it possible that both of	
25	those commands that I pointed to, "Watch H323	13:12:30

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1   Do you see that?   13:35:16

2   A   I do.

3   Q   And so your testimony is, in the case of

4   traversing a tree, at least, the definition here is

5   one way to implement recursion but not the only way   13:35:28

6   to implement recursion?

7   A   That's correct.

8   MR. SILBERT: Okay. Let's take a short

9   break. I think maybe we're finished.

10   THE VIDEO OPERATOR: Going off the record,   13:35:50

11   the time is 1:36 p.m.

12   (Recess 1:36 p.m. - 1:40 p.m.)

13   THE VIDEO OPERATOR: Back on the record.

14   The time is 1:40 p.m.

15   MR. SILBERT: Dr. Almeroth, thank you very   13:40:40

16   much for your time. Pending any redirect by your

17   counsel, I have no further questions at this time.

18   MR. TUNG: I just want to reserve the

19   right under the Federal Rules to submit errata.

20   I have no questions.   13:40:52

21   THE VIDEO OPERATOR: This concludes the

22   videotaped deposition of Dr. Kevin Almeroth. We're

23   off the record at 1:41 p.m. Thank you.

24   (TIME NOTED: 1:41 p.m.)

25   --o0o--   13:40:59

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1   I, KEVIN C. ALMEROTH, do hereby declare

2   under penalty of perjury that I have read the

3   foregoing transcript; that I have made any

4   corrections as appear noted, in ink, initialed by

5   me, or attached hereto; that my testimony as

6   contained herein, as corrected, is true and correct.

7   EXECUTED this _____ day of _____,

8   2015, at _____, _____.

9   (City)   (State)

10

11

12

13   _____

14   KEVIN C. ALMEROTH

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1   I, the undersigned, a Certified Shorthand

2   Reporter of the State of California, do hereby

3   certify:

4   That the foregoing proceedings were taken

5   before me at the time and place herein set forth;

6   that any witnesses in the foregoing proceedings,

7   prior to testifying, were administered an oath; that

8   a record of the proceedings was made by me using

9   machine shorthand which was thereafter transcribed

10 under my direction; that the foregoing transcript is

11 a true record of the testimony given.

12   Further, that if the foregoing pertains to

13 the original transcript of a deposition in a Federal

14 Case, before completion of the proceedings, review

15 of the transcript [x] was [ ] was not requested.

16   I further certify I am neither financially

17 interested in the action nor a relative or employee

18 of any attorney or any party to this action.

19   IN WITNESS WHEREOF, I have this date

20 subscribed my name.

21

22 Dated: 12/3/2015

23

            Carla Soares

24   CARLA SOARES

25   CSR No. 5908